

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EVERY WATT MATTERS, LLC and
DRK ENTERPRISES, INC.,

Plaintiff,

V.

GLOBAL TECH, LLC and GARY K.
MART.

Defendant.

CASE NO. 3:15-CV-05951-RJB

ORDER ON MOTION FOR
ENLARGEMENT OF TIME TO FILE
A RESPONSE TO PLAINTIFFS'
COMPLAINT

This matter comes before the Court on Defendants' Motion for Enlargement of Time to

18 | File a Response to Plaintiffs' Complaint. Dkt. 6, 7. Defendants filed a Response. Dkt. 14.

19 Plaintiffs did not file a Reply. The Court has considered the parties' responsive briefing and the
20 remainder of the file herein.

The Court deduces the following sequence of events, based on the parties' representations:

22 Plaintiff served the Complaint on Global Tech, LLC on November 29, 2015 and on Gary K.

23 Mart on December 15, 2015; Defendants filed a Notice of Removal with this Court on December

24 29, 2015; on an unspecified date that preceded the filing of this motion, Defendants contacted

1 Plaintiffs by telephone to discuss extending the deadline to respond to the Complaint; Plaintiffs
 2 called Defendants' counsel on the afternoon of January 4, 2016, leaving a voicemail that informed
 3 Defendants of Plaintiffs' objection to an extension of time until February 15, 2016 but agreement
 4 to a shorter amount of time; Defendants filed this motion later in the day of January 4, 2016;
 5 Defendants state that they did not hear back from Plaintiffs prior to filing the motion; Defendants
 6 did not return Plaintiffs' phone call and did not file a Reply to the motion.

7 According to Defendants, the need to enlarge the time to respond to the complaint is
 8 necessitated by "the recent holidays; scheduling conflicts[;] . . . the time needed to investigate,
 9 review, research, and respond[;] . . . and the time needed to formulate a litigation strategy[.]" Dkt.
 10 6, at 2. *Same phraseology repeated at Dkt. 6, at 2 and Dkt. 7, at 2.* Plaintiffs argue that
 11 Defendants have not justified a longer extension, and that the "significant import of the issues in
 12 the case" warrants only a shorter extension. Dkt. 14, at 2.

13 Defendants ordinarily have 21 days from the date of service to respond to a complaint.
 14 Fed.R.Civ.P. 12(a)(1)(A). In removed actions, defendants who have not answered prior to
 15 removal must respond within 21 days from the date of removal. Fed.R.Civ.P. 82(c)(2). Courts
 16 may extend the time for a response upon a showing of good cause. Fed.R.Civ.P. 6(b)(1).

17 Defendants have not met their burden to enlarge the time until February 15, 2016.
 18 Without further explanation Defendants use generalities common to all litigation as the basis for
 19 their request: scheduling conflicts, the need to investigate, review, research, and respond, and
 20 formulating a litigation strategy. Defendants made an initial effort to communicate with
 21 Plaintiffs, which the Court commends, but Defendants ultimately did not return Plaintiffs' phone
 22 call on January 4, 2016 or thereafter. And even if Defendants were not inclined to call Plaintiffs
 23 after filing the motion, Defendants did not file a Reply brief, which could have addressed why a
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1 longer amount of time is necessary. However, given the holidays and recent removal of the case
2 to federal court, a brief enlargement of time should be permitted. A deadline of **February 3,**
3 **2016** for Defendants to file their responses is appropriate.

4 * * *

5 IT IS HEREBY ORDERED that Defendants' Motion for Enlargement of Time to File a
6 Response to Plaintiffs' Complaint (Dkt. 6) is DENIED IN PART AND GRANTED IN PART.
7 Defendants' response to the Complaint is due on or before February 3, 2016.

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9 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
10 to any party appearing *pro se* at said party's last known address.

11 Dated this 21st day of January, 2016.

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14 ROBERT J. BRYAN
United States District Judge

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